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Docket No. MOR-100D2  
Serial No. 09/981,639Remarks

Claims 1-13 are pending in the subject application. Applicants acknowledge that claims 6-13 have been withdrawn from further consideration as being drawn to a non-elected invention. By this Amendment, Applicants have canceled claims 1-13 and added new claims 14-59. Support for the new claims can be found throughout the subject specification including, for example, at page 9, lines 8-13 and lines 15-18; page 10, lines 12-17 and lines 24-27; page 11, lines 6-8; page 12, lines 1-5; page 24, lines 9 through to page 25, line 13; figure 5; and in the claims as originally filed. Entry and consideration of the amendments and new claims presented herein is respectfully requested. Accordingly, claims 14-59 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

As an initial matter, Applicants note that the status of U.S. application Serial No. 08/965,949 is reflected as "abandoned" in the subject specification at page 1, line 7. Applicants have amended the "Cross-Reference to Related Application" section of the subject specification to indicate that the parent application, Serial No. 09/437,509, is abandoned. Applicants gratefully acknowledge the Examiner's careful review of the subject specification.

Claims 1-5 are rejected under 35 USC §112, second paragraph, as indefinite. Applicants respectfully assert that the claims as filed are definite. However, the rejection is moot in view of the cancellation of claims 1-13. Under the rejection, the Examiner asserts that claim 1 was not clear regarding what component forms the polymer matrix. Applicants note that the new claims presented herein recite components of the polymer matrix. The rejection of claim 5 is also moot in view of its cancellation. Applicants note that the new claims do not recite "avidin-related molecules." Accordingly, reconsideration and withdrawal of the rejection under 35 USC §112, second paragraph, is respectfully requested.

Claim 1 is rejected under 35 USC §102(b) as anticipated by Englebienne *et al.* (1996), Alva *et al.* (1996), Wong *et al.* (1994 and U.S. Patent No. 5,843,741), and Wallace *et al.* (WO 96/04340). In addition, claims 1-3 and 5 are rejected under 35 USC 102(b) as anticipated by Ribi *et al.* (U.S. Patent No. 5,491,097) and Ribi *et al.* (U.S. Patent No. 5,156,810). Claims 1-3 are also rejected under 35 USC §102(b) or §102(e) as anticipated by Garnier (WO 95/29199 or U.S. Patent No. 6,096,825) and Riviello *et al.* (U.S. Patent No. 5,403,451). Claims 1 and 2 are rejected under 35

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USC §102(b) as anticipated by Taniguchi *et al.* (U.S. Patent No. 4,839,017) and Schneider (WO 89/03876). Claims 1-4 are rejected under 35 USC §102(e) as anticipated by Katoot *et al.* (U.S. Patent No. 6,184,030). Claims 1, 2, and 5 are rejected under 35 USC §102(b) as anticipated by Malmros *et al.* (U.S. Patent No. 4,916,075) and McNeil *et al.* (GB 2,276,724). Applicants respectfully traverse each of the §102 rejections.

Applicants respectfully assert that the cited references do not anticipate the claimed invention. All of the new claims recite that a receptor for an antibody Fc region is entrapped within the polymer itself. New claims 14-36 recite a conductive immunopolymer matrix comprising a first and second polymer having Fc receptors with antibodies bound thereto that bind to different antigens or determinants. None of the references teach or suggest a conductive immunopolymer matrix having Fc receptor within the polymer, nor do any of the cited references teach or suggest having first and second polymer layers with antibody of different antigen binding specificities in each polymer. Advantageously, the immunopolymer matrixes of the invention provide for the presentation of the antigen binding regions of an antibody on the external surface of the immunopolymer.

In addition, new claims 14-36, 44, and 56 recite the conductive immunopolymer matrix includes a cell monitoring system comprising horseradish peroxidase and glucose oxidase within or attached to the immunopolymers. None of the references cited under the rejections, including the Alva *et al.* reference, teach or suggest immunopolymers comprising such a cell monitoring system.

As the Examiner is aware, in order to anticipate, a single reference must disclose within the four corners of the document each and every element and limitation contained in the rejected claim. *Scripps Clinic & Research Foundation v. Genentech Inc.*, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991). None of the references cited in the Action teach or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of the rejections under 35 USC §102 is respectfully requested.

It should be understood that the amendments and new claims presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position.

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In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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